

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Mitchell C. Green et al.	Art Unit :	2178
Serial No. :	10/715,205	Examiner :	Salomon, Phenuel S.
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Title :	ENHANCED BUDDY LIST INTERFACE		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

America Online, Inc., the assignee of this application, is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1, 7, 8, 14, 16, 20, 21, 38-43 and 55-76 are pending in this application, with claims 1, 14, 67, 72, and 76 being independent. Appellants are appealing the rejections of all of the pending claims. Appellants note that this status of claims assumes entry of an after-final amendment that is being filed today (November 2, 2009) to reduce issues for appeal.

(4) Status of Amendments

A final office action was mailed on April 29, 2009. Appellants participated in a telephonic interview with Examiner Phenuel on August 25, 2009. No agreement was reached. The substance of the interview is incorporated into the arguments section of this appeal brief. A Notice of Appeal was filed on August 31, 2009. An after-final amendment is being filed today (November 2, 2009) along with this appeal brief to reduce the number of issues on appeal. The after-final amendment cancels claims 77-80 and corrects a typographical error in claim 76.

(5) Summary of Claimed Subject Matter

In the discussion below, reference numerals and references to particular portions of the specification are provided for illustrative purposes only and are not meant to limit the scope of the claims.

Independent claim 1 recites a computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations (e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). Conditioned on the number of unread e-mail messages being greater than zero, a first graphical element is displayed, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The first graphical element indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The user can select the first graphical element, the selection of the graphical element by the user is received, and, in response to the selection of the first graphical element by the user, the number of unread e-mail messages exchanged between the user and the first co-user is displayed (e.g., mail icon 606 is selected to display a supplemental interface 702 that displays the number of unread e-mail messages exchanged between the user and the first co-user, as shown in the application at Fig. 7 and described in the application at page 17, lines 2-21).

Dependent claim 59 depends from claim 1 and, therefore, incorporates the limitations of claim 1 through its dependency. Dependent claim 59 recites a computer- readable storage

medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations(e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). Conditioned on the number of unread e-mail messages being greater than zero, a first graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The first graphical element indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The user can select the first graphical element, the selection of the graphical element by the user is received, and, in response to the selection of the first graphical element by the user, the number of unread e-mail messages exchanged between the user and the first co-user is displayed (e.g., mail icon 606 is selected to display a supplemental interface 702 that displays the number of unread e-mail messages exchanged between the user and the first co-user, as shown in the application at Fig. 7 and described in the application at page 17, lines 2-21). Moreover, dependent claim 59 further recites the additional limitation that the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user (e.g., see application at page 17, lines 10-13). Dependent claim 59 also recites that the instructions for causing a computer to display a first graphical element that indicates that one or more unread e-

mail messages have been exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user that one or more e-mail messages were sent by the first co-user to the user and remain unread by the user (e.g., mail icon 606 as shown in Fig. 7 and described in the application at page 17, lines 16-21).

Independent claim 14 recites a method that includes providing an instant messaging system to a user (e.g., IM host complex 380 is accessible to a user via UI 600 shown in Fig. 6 and described at page 15, lines 21-26). The method includes displaying, to the user, a graphical user interface that enables the user to access the instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). Conditioned on the number of unread e-mail messages being greater than zero, a first graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The first graphical element indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The user can select the first graphical element, the selection of the graphical element by the user is received, and, in response to the selection of the first graphical element by the user, the number of unread e-mail messages exchanged between the user and the first co-user is displayed (e.g., mail icon 606 is selected to display a supplemental interface 702 that displays the number of unread e-mail messages exchanged between the user and the first co-user, as shown in the application at Fig. 7 and described in the application at page 17, lines 2-21).

Dependent claim 40 depends from claim 14 and, therefore, incorporates the limitations of claim 14 through its dependency. Dependent claim 40 recites a method that includes providing an instant messaging system to a user (e.g., IM host complex 380 is accessible to a user via UI

600 shown in Fig. 6 and described at page 15, lines 21-26). The method includes displaying, to the user, a graphical user interface that enables the user to access the instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). Conditioned on the number of unread e-mail messages being greater than zero, a first graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The first graphical element indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The user can select the first graphical element, the selection of the graphical element by the user is received, and, in response to the selection of the first graphical element by the user, the number of unread e-mail messages exchanged between the user and the first co-user is displayed (e.g., mail icon 606 is selected to display a supplemental interface 702 that displays the number of unread e-mail messages exchanged between the user and the first co-user, as shown in the application at Fig. 7 and described in the application at page 17, lines 2-21). Moreover, dependent claim 40 further recites the additional limitation that determining that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes determining that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user (e.g., see application at page 17, lines 10-13). Dependent claim 40 also recites that displaying a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes displaying a graphical element configured to inform the user that one or more e-mail messages were sent by the first co-user to the user and remain unread by the user (e.g., mail icon 606 as shown in Fig. 7 and described in the application at page 17, lines 16-21).

Independent claim 67 recites a computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations (e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers of other users, the identifiers of other users including a set of identifiers corresponding to co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). A graphical element that displays the number of unread e-mail messages exchanged between the user and the first co-user is displayed within the interface that includes the contacts list and in association with the identifier in the list corresponding to the first co-user (e.g., supplemental interface 702 shown in Fig. 7 and described in the application at page 17, lines 10-21).

Dependent claim 69 depends from claim 67 and, therefore, incorporates the limitations of claim 67 through its dependency. Dependent claim 69 recites a computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations (e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers of other users, the identifiers of other users including a set of identifiers corresponding to co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the

graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A number of unread e-mail messages exchanged between the user and a first one of the co-users is determined (e.g., see application at page 17, lines 6-15). A graphical element that displays the number of unread e-mail messages exchanged between the user and the first co-user is displayed within the interface that includes the contacts list and in association with the identifier in the list corresponding to the first co-user (e.g., supplemental interface 702 shown in Fig. 7 and described in the application at page 17, lines 10-21). Moreover, dependent claim 69 further recites the additional limitation that the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user (e.g., see application at page 17, lines 10-13). Dependent claim 69 also recites that the instructions for causing a computer to display a graphical element that indicates the number of unread e-mail messages exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user of the number of e-mail messages sent by the first co-user to the user that remain unread by the user (e.g., supplemental interface 702 shown in Fig. 7 and described in the application at page 17, lines 10-21).

Independent claim 72 recites a computer-readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations (e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A determination is made whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access (e.g., see application at page

17, lines 6-15). Conditioned on determining that unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, a graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The graphical element indicates to the user that unread e-mail messages are available for access (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The method further includes, conditioned on determining that no unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, not displaying within the window and in association with the identifier corresponding to the first co-user any graphical element related to e-mails or e-mail inbox content (e.g., UI 600 shown in Fig. 6 shows no graphical element related to e-mails or e-mail inbox for user identifiers (e.g., Sheila) from which no unread e-mail has been sent by the user to the co-user or received by the user from the co-user, this is further described in the application at page 17, lines 2-5 and 14-15).

Dependent claim 75 depends from claim 72 and, therefore, incorporates the limitations of claim 72 through its dependency. Dependent claim 75 recites a computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to perform various operations (e.g., host device 135 storing a host controller 140 and/or a client device 220 storing a client controller 225, as described in the application at page 5, line 25 to page 7, line 8). The operations include displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). A determination is made whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access (e.g., see application at page 17, lines 6-15). Conditioned on determining that unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are

available for access, a graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The graphical element indicates to the user that unread e-mail messages are available for access (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The method further includes, conditioned on determining that no unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, not displaying within the window and in association with the identifier corresponding to the first co-user any graphical element related to e-mails or e-mail inbox content (e.g., UI 600 shown in Fig. 6 shows no graphical element related to e-mails or e-mail inbox for user identifiers (e.g., Sheila) from which no unread e-mail has been sent by the user to the co-user or received by the user from the co-user, this is further described in the application at page 17, lines 2-5 and 14-15). Moreover, dependent claim 75 further recites the additional limitation that the instructions for causing a computer to determine whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access include instructions for causing a computer to determine whether unread e-mail messages received by the user from the first co-user are available for access by the user (e.g., see application at page 17, lines 10-13). Dependent claim 75 also recites that the instructions for causing a computer to display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access comprise instructions that cause a computer, conditioned on determining that unread e-mail messages received by the user from the first co-user are available for access by the user, display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element configured to inform the user that e-mail messages sent by the first co-user to the user have not been read by the user and remain not read by the user (e.g., mail icon 606 as shown in Fig. 7 and described in the application at page 17, lines 16-21).

Independent claim 76 recites a method that includes displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing

identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users (e.g., the graphical user interface 600 shown in Figs. 6 and 7, and described at page 15, line 21 to page 17, line 15). An e-mail message addressed to the user from a first co-user is received, the user having no unread e-mail messages received from the first co-user prior to receipt of the e-mail message (e.g., see application at page 17, lines 2-5). In response to the e-mail message, a graphical element is displayed within the window that includes the contacts list and in association with the identifier corresponding to the first co-user (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-15). The graphical element indicates to the user that unread e-mail messages received by the user from the first co-user are available for access by the user, wherein no graphical element related to e-mails or e-mail inbox content was displayed in the window in association with the identifier corresponding to the first co-user prior to receipt of the e-mail message (e.g., mail icon 606 shown in Fig. 6 and described in the application at page 17, lines 2-9 as being displayed in response to receiving an e-mail from a buddy; UI 600 shown in Fig. 6 also shows that no graphical element related to e-mails or e-mail inbox content are displayed for a user identifier (e.g., Sheila) of a co-user when no unread e-mail has been sent by the user to the co-user or received by the user from the co-user, which is further described in the application at page 17, lines 2-5, 14 and 15).

(6) Grounds of Rejection to be Reviewed on Appeal

Independent claims 1, 14, 67, and 72 and their dependent claims 16, 20, 42, 55-57, 60-64, 70-71, and 73, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doss (U.S. Patent Application Publication No. 2003/0046296) in view of Begole (U.S. Patent Application Publication No. 2004/0039630) and Imamura (U.S. Patent Application Publication No. 2002/0091774).

Dependent claims 7, 8, and 21, which depend from claims 1 and 14, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doss in view of Begole, Imamura and Widger (U.S. Patent Application Publication No. 2005/0117733).

Dependent claims 38, 43, 65, and 66, which depend from claim 14, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doss in view of Begole, Imamura and Lee (U.S. Patent Application Publication No. 2003/0233265).

Dependent claims 39-41, 58-59, 68-69, and 74-75, which depend from claims 14, 67 and 72, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doss in view of Begole, Imamura and Nielsen (U.S. Patent No. 6,108,688).

Independent claim 76 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Doss in view of Nielsen and Imamura.

(7) Argument

I) Independent claims 1, 14 and 67, and their dependent claims 7, 8, 16, 20, 21, 38, 39, 41-43, 55-58, 60-66, 68, 70 and 71, are patentable over Doss, Begole, Imamura, Widger, Lee, and Nielson

Independent claim 1 recites, among other features, a computer-readable storage medium having embodied thereon a computer program that includes instructions that cause a computer to determine a number of unread e-mail messages exchanged between the user and a first one of the co-users; and conditioned on the number of unread e-mail messages being greater than zero, display, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user perceiving the contacts list and the first co-user. Independent claim 14, while having a different scope from that of claim 1, recites limitations similar to those recited by claim 1 but does so in the context of a method. Appellants request reversal of the rejections of claims 1 and 14, and their dependent claims, because neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests conditionally displaying, within the recited window and in association with an identifier corresponding to a co-user of an instant messaging system displayed in a contacts list in the window, a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the co-user.

The Examiner relies on Begole and Imamura for disclosing the features related to the display of a graphical element in the recited window that indicates that one or more unread e-

mail messages have been exchanged between the user and a co-user. In particular, the Examiner refers to Begole as disclosing a system that displays an indicator of e-mail receptiveness in a graphical user interface. Begole's e-mail receptiveness indicator, however, does not indicate to the user perceiving the graphical user interface that unread e-mail messages have been exchanged between the user and a co-user. Rather, Begole's e-mail receptiveness indicator is a graphical coloring of a user identifier that provides an indication of how receptive or responsive the corresponding co-user is to e-mail. For example, a co-user who is deemed receptive to e-mail may have their corresponding user identifier colored green while a co-user who is deemed not very receptive to e-mail may have their corresponding user identifier colored red. A co-user who is deemed receptive to e-mail is more likely to quickly respond to e-mails from the user. Notably, such an e-mail receptiveness indicator does not indicate to the user the existence of unread e-mail messages exchanged between the user and the co-user to which the e-mail receptiveness indicator relates. For example, the co-user may read all of their e-mail immediately upon receipt such that the co-user rarely has any unread e-mail at any given time. However, the co-user may take a very long time in responding back to the senders of the e-mails, thereby causing the co-user's receptiveness indicator be red (i.e., not receptive to e-mail).

Imamura is similarly deficient. In particular, Imamura teaches a graphical user interface for a computer that is shared between multiple different users. The interface includes a login interface that displays a list of user identifiers. See Fig. 6 of Imamura. Each user identifier in the list identifies one of the multiple users that uses the computer. The list further includes a numeral displayed next to each user identifier that displays the total number of unread e-mail messages that the corresponding user currently has. If a user selects a user identifier (aka, the user's name) in the displayed list, the user is prompted to input a password to log into the computer under the associated user identifier. Upon successful entry of the password, the user is presented with an e-mail application interface that allows the user to access the corresponding unread e-mail. Notably, the numeral displayed next to each user identifier does not indicate to a user that is about to log into the computer the existence of unread e-mail messages exchanged between the user that is about to log into the computer and a co-user to which the displayed user identifier relates. Rather, the displayed numeral indicates that the co-user to which the displayed user

identifier relates has unread e-mail, without specification or limitation as to the particular senders of the unread e-mail.

Appellants also note that no proper combination of the teachings of Begole and Imamura would have led a person of ordinary skill in the art to arrive at the above-noted limitation. In particular, Begole's teachings with respect to displaying an e-mail receptiveness indicator would not have led to modification of the unread e-mail message number displayed in Imamura's multi-user login screen because these displays serve entirely orthogonal purposes. Begole's display of e-mail receptiveness provides a user perceiving the display with information that allows the user to select the best communication channel for communicating with a co-user (e.g., if the e-mail receptiveness indicator indicates that the co-user is not receptive to e-mail, the user should use a communication channel other than e-mail to communicate with the co-user). In contrast, Imamura's display of a total number of unread e-mail provides a logging in user with an indication of the amount of backlog of e-mail that the logging in user needs to address upon logging in, which is information that the user would find useful for determining when to log into the computer (e.g., if there is a big backlog of unread e-mail, the user should consider logging in sooner rather than later). Accordingly, absent impermissible hindsight driven by appellants' own disclosure, a person of ordinary skill in the art would not have turned to the teachings of Begole with respect to e-mail receptivity when considering whether and how to modify Imamura's display of unread e-mails and, therefore, would not have modified, based on Begole's teachings, Imamura's display to include a first graphical element that indicates that one or more unread e-mail messages have been exchanged between a user perceiving the contacts list and a co-user and that is displayed in the contacts list in association with an identifier corresponding to the co-user of an instant messaging system. Widger, Lee and Nielsen also fail to describe or suggest the above-noted limitation.

For at least these reasons, appellants request reversal of the rejections of claims 1 and 14, and their dependent claims.

Independent claim 67 recites, among other features, a computer-readable storage medium having embodied thereon a computer program that includes instructions that cause a computer to "display, within the interface that includes the contacts list and in association with the identifier in the list corresponding to the first co-user, a graphical element that displays the number of

unread e-mail messages exchanged between the user and the first co-user." For at least the reasons stated above with respect to claims 1 and 14, appellants request reversal of the rejections of claim 67 and its dependent claims because neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature.

II) Dependent claims 40, 59 and 69, which depend from claims 14, 1, and 67, respectively, are patentable over Doss, Begole, Imamura and Nielsen

Dependent claim 40, which depends from claim 14, recites the additional limitation "displaying a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes displaying a graphical element configured to inform the user [perceiving the graphical element] that one or more e-mail messages were sent by the first co-user to the user and remain unread by the user" (emphasis added). Dependent claim 59, which depends from claim 1, although having a different scope from claim 40, recites limitations similar to those recited in claim 40 but does so in the context of a computer-readable storage medium. Appellants request reversal of the rejection of claims 40 and 59 for the reasons stated above with respect to claims 1 and 14, and for the additional reason that neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests the above-noted limitation.

In particular, as stated above, Begole's e-mail receptiveness indicator does not indicate the existence of unread e-mail exchanged between the user perceiving Begole's graphical user interface and the co-user to which the receptiveness indicator relates, much less indicate that one or more e-mail messages were sent by the co-user to the user perceiving Begole's graphical user interface that remain unread. Moreover, Imamura's login screen that includes a display of the total number of unread e-mail messages next to a user identifier also fails to satisfy the above-noted limitation in that such a numeral (which the Examiner asserts corresponds to the recited graphical element) does not indicate unread e-mail sent by the user corresponding to the displayed user identifier. Rather, the numeral indicates unread e-mail received by the user corresponding to the displayed user identifier.

For at least this additional reason, appellants request reversal of the rejection of claims 40 and 59.

Dependent claim 69, which depends from claim 67, recites the additional limitation that the "instructions for causing a computer to display a graphical element that indicates the number of unread e-mail messages exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user of the number of e-mail messages sent by the first co-user to the user that remain unread by the user." For at least the reasons stated above with respect to claims 40 and 59, appellants request reversal of the rejection of claim 69 because neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature.

III) Independent claim 72, and its dependent claims 73 and 74, are patentable over Doss, Begole, Imamura and Nielson

Independent claim 72 recites, among other features, a computer-readable storage medium having embodied thereon a computer program that includes instructions that cause a computer to: "conditioned on determining that unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access." For at least the reasons stated above with respect to claims 1 and 14, appellants request reversal of the rejections of claim 72 and its dependent claims because neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature.

Moreover, appellants note that claim 72 emphasizes the conditional nature of the display of the graphical element in that it additionally recites "conditioned on determining that no unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, not display within the window and in association with the identifier corresponding to the first co-user any graphical element related to e-mails or e-mail inbox content." Appellants request reversal of the rejections of claim 72 and its dependent claims for the additional reason that neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature. The Examiner relies on Imamura to satisfy the above-noted features related to the graphical element. As stated in the last office action response, however, Imamura teaches that the numeral representing the number of unread

e-mail messages addressed to a respective user is displayed next to the user identifier for the user even when the number of unread e-mail messages is equal to zero. See paragraph 53. Thus, Imamura and the rest of the cited references fail to describe or suggest the above-noted limitation that requires that no graphical element related to e-mails or e-mail inbox content be displayed conditioned on a determination that no unread e-mails were sent or received.

IV) Dependent claim 75, which depends from claim 72, is patentable over Doss, Begole, Imamura and Nielson

Dependent claim 75, which depends from claim 72, is patentable over Doss, Begole, Imamura and Nielson for the reasons stated above with respect to claim 72. Moreover, claim 75 recites the additional limitation that the "instructions that cause a computer to display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access comprise instructions that cause a computer, conditioned on determining that unread e-mail messages received by the user from the first co-user are available for access by the user, display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element configured to inform the user that e-mail messages sent by the first co-user to the user have not been read by the user and remain not read by the user." For at least the reasons stated above with respect to claims 40 and 59, appellants request reversal of the rejection of claim 75 for the additional reason that neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature.

V) Independent claim 76 is patentable over Doss, Nielson and Imamura

Independent claim 76 recites, among other features, "receiving an e-mail message addressed to the user from a first co-user, the user having no unread e-mail messages received from the first co-user prior to receipt of the e-mail message" and "in response to the e-mail message, displaying within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages received by the user from the first co-user are available for access by the user." For at least the reasons stated above with respect to claims 40 and 59, appellants request

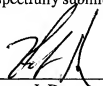
reversal of the rejection of claim 76 because neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests these features.

Moreover, claim 76 additionally recites "wherein no graphical element related to e-mails or e-mail inbox content was displayed in the window in association with the identifier corresponding to the first user prior to receipt of the e-mail message." Appellants request reversal of the rejection of claim 76 for the additional reason that neither Doss, Begole, Imamura, Widger, Lee, Nielsen, nor any proper combination of the six describes or suggests this feature. The Examiner relies on Imamura to satisfy the above-noted features related to the graphical element. As stated above, however, Imamura teaches that the numeral representing the number of unread e-mail messages addressed to a respective user is displayed next to the user identifier for the user even when the number of unread e-mail messages is equal to zero. See paragraph 53. Thus, Imamura displays the number of unread e-mail messages next to each user identifier irrespective of whether an e-mail message has or has not been received and, therefore, necessarily fails to satisfy the above-noted limitation that requires that no graphical element related to e-mails or e-mail inbox content be displayed prior to receipt of an e-mail message.

For at least the reasons stated above, appellants request that all rejections be reversed.

The brief fee of \$540 is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



Roberto J. Devoto
Reg. No. 55,108

Date: _____

11/1/09

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

Appendix of Claims

THIS LIST OF CLAIMS ASSUMES ENTRY OF AN AMENDMENT FILED WITH THIS APPEAL BRIEF ON 11-2-09 TO CANCEL CLAIMS 77-81 AND CORRECT A TYPOGRAPHICAL ERROR IN CLAIM 76

1. A computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to:

display, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users;

determine a number of unread e-mail messages exchanged between the user and a first one of the co-users;

conditioned on the number of unread e-mail messages being greater than zero, display, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user;

enable the user to select the first graphical element;

receive a selection of the first graphical element by the user; and

in response to the selection of the first graphical element by the user, display to the user the number of unread e-mail messages exchanged between the user and the first co-user.

7. The computer-readable storage medium of claim 1, wherein the computer program further includes instructions that, when executed, cause a computer to open or activate an application to read the unread email message when the first graphical element is again selected by the user.

8. The computer-readable storage medium of claim 1, wherein the computer program further includes instructions that, when executed, cause a computer to open or activate an application listing multiple email messages exchanged between the user and the first co-user.

14. A method comprising:

providing an instant messaging system to a user;

displaying, to the user, a graphical user interface that enables the user to access the instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users;

determining a number of unread e-mail messages exchanged between the user and a first one of the co-users;

conditioned on the number of unread e-mail messages being greater than zero, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user;

enabling the user to select the first graphical element;

receiving a selection of the first graphical element by the user; and

in response to the selection of the first graphical element by the user, display to the user the number of unread e-mail messages exchanged between the user and the first co-user.

16. The method of claim 14, wherein receiving a selection of the first graphical element comprises receiving an indication that the user has moved a graphical pointer over the graphical element corresponding to the first co-user in the contacts list.

20. The method of claim 14, further comprising displaying the one or more unread email messages in response to a second selection of the graphical element by the user.

21. The method of claim 14, further comprising displaying a list of one or more unread email messages exchanged between the user and the first co-user in response to a second selection of the graphical element by the user, the list of one or more unread email messages being limited to email messages exchanged between the user and the first co-user.

38. The method of claim 14,
wherein displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first graphical element that indicates that unread e-mail messages have been exchanged between the user and the first co-user includes displaying the first graphical element adjacent to the identifier in the contacts list that corresponds to the first co-user; and

further comprising displaying, within the window that includes the contacts list and in association with the identifier corresponding to a second co-user, a second graphical element, different from the first graphical element, that indicates that a meeting has been scheduled that involves the user and the second co-user.

39. The method of claim 14 wherein:
determining that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes determining that a number of e-mail messages were sent by the user to the first co-user and remain unread by the first co-user; and

displaying a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes displaying a graphical element configured to inform the user that one or more e-mail messages were sent by the user to the first co-user and remain unread by the first co-user.

40. The method of claim 14 wherein:
determining that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes determining that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user; and

displaying a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes displaying a graphical element configured to inform the user that one or more e-mail messages were sent by the first co-user to the user and remain unread by the user.

41. The method of claim 14 wherein:

determining that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes determining that a number of e-mail messages were sent by the user to the first co-user and remain unread by the first co-user; and

displaying a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes displaying a graphical element configured to inform the user that one or more e-mail messages were sent by the user to the first-co-user and remain unread by the first co-user; and

the method further comprises:

determining that a third one of the co-users has sent a number of e-mail messages to the user that remain unread by the user; and

conditioned on the number of unread e-mail messages sent by the third co-user to the user being greater than zero, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the third co-user, a second graphical element configured to inform the user that the third co-user has sent one or more e-mail messages to the user that remain unread by the user.

42. The method of claim 14 further comprising:

determining that a second one of the co-users has left a voicemail message for the user;
and

in response to determining that the second co-user left a voicemail message for the user, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second graphical element, different from the first graphical element, configured to inform the user that the second co-user left a voicemail message for the user.

43. The method of claim 38 wherein displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second graphical element that indicates that a meeting has been scheduled that involves the user and the second co-user includes displaying the second graphical element that indicates that a meeting has been scheduled that involves the user and the second co-user concurrently with the first graphical element that indicates that a number of unread e-mail messages have been exchanged between the user and the first co-user.

55. The computer-readable storage medium of claim 1, wherein the first graphical element comprises an icon.

56. The computer-readable storage medium of claim 1, wherein the computer program further includes instructions that, when executed, cause a computer to:

determine a number of unread e-mail messages exchanged between the user and a second one of the co-users; and

conditioned on the number of unread e-mail messages determined to be exchanged between the user and the second co-user being greater than zero, display, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the second co-user.

57. The computer-readable storage medium of claim 56, wherein the computer program further includes instructions that, when executed, cause a computer to:

enable the user to select the second graphical element;

receive a selection of the second graphical element by the user; and

in response to the selection of the second graphical element by the user, display to the user the number of unread e-mail messages exchanged between the user and the second co-user.

58. The computer-readable storage medium of claim 1, wherein:

the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the user to the first co-user and remain unread by the first co-user ; and

the instructions for causing a computer to display a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user that one or more e-mail messages were sent by the user to the first-co-user and remain unread by the first co-user.

59. The computer-readable storage medium of claim 1, wherein:

the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user; and

the instructions for causing a computer to display a first graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user that one or more e-mail messages were sent by the first co-user to the user and remain unread by the user.

60. The computer-readable storage medium of claim 1, wherein the instructions for causing a computer to display to the user the number of unread e-mail messages exchanged between the user and the first co-user include instructions for causing the computer to display the number in a pop-up window or a dialog box that appears in response to selection of the first graphical element by the user, the pop-up window or the dialog box displaying the number without displaying a list of e-mails received by the user.

61. The method of claim 14, wherein the first graphical element comprises an icon.

62. The method of claim 14, further comprising:

determining a number of unread e-mail messages exchanged between the user and a second one of the co-users; and

conditioned on the number of unread e-mail messages determined to be exchanged between the user and the second co-user being greater than zero, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second graphical element that indicates that one or more unread e-mail messages have been exchanged between the user and the second co-user.

63. The method of claim 62, further comprising:

enabling the user to select the second graphical element;

receiving a selection of the second graphical element by the user; and

in response to the selection of the second graphical element by the user, displaying to the user the number of unread e-mail messages exchanged between the user and the second co-user.

64. The method of claim 14, wherein displaying to the user the number of unread e-mail messages exchanged between the user and the first co-user includes displaying the number in a pop-up window or a dialog box that appears in response to selection of the first graphical element by the user, the pop-up window or the dialog box displaying the number without displaying a list of e-mails received by the user.

65. The method of 38, wherein the first graphical element comprises a first icon and the second graphical element comprises a second and different icon.

66. The method of claim 43, wherein the first graphical element comprises a first icon and the second graphical element comprises a second and different icon.

67. A computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to:

display, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers of other users, the identifiers of other users including a set of identifiers corresponding to co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users;

determine a number of unread e-mail messages exchanged between the user and a first one of the co-users;

display, within the interface that includes the contacts list and in association with the identifier in the list corresponding to the first co-user, a graphical element that displays the number of unread e-mail messages exchanged between the user and the first co-user.

68. The computer-readable storage medium of claim 67, wherein:

the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the user to the first co-user and remain unread by the first co-user ; and

the instructions for causing a computer to display a graphical element that indicates the number of unread e-mail messages exchanged between the user and the first co-user includes instructions for causing a computer to display a graphical element configured to inform the user of the number of e-mail messages sent by the user to the first-co-user that remain unread by the first co-user.

69. The computer-readable storage medium of claim 67, wherein:

the instructions for causing a computer to determine that a number of unread e-mail messages have been exchanged between the user and a first one of the co-users includes instructions for causing a computer to determine that a number of e-mail messages were sent by the first co-user to the user and remain unread by the user; and

the instructions for causing a computer to display a graphical element that indicates the number of unread e-mail messages exchanged between the user and the first co-user includes

instructions for causing a computer to display a graphical element configured to inform the user of the number of e-mail messages sent by the first co-user to the user that remain unread by the user.

70. The computer-readable storage medium of claim 67, wherein the instructions for causing a computer to display, within the interface that includes the contacts list and in association with the identifier corresponding to the first co-user, a graphical element that indicates the number of unread e-mail messages exchanged between the user and the first co-user includes instructions for causing a computer to display a pop-up window or a dialog box that overlays the window and that displays the number of unread e-mail messages to the user, the pop-up window or the dialog box displaying the number without displaying a list of e-mails received by the user.

71. The computer-readable storage medium of claim 70, wherein the instructions for causing a computer to display the pop-up window or dialog box comprise instructions for causing the computer to display the pop-up window or dialog box in response to the user scrolling over the identifier corresponding to the first co-user in the window.

72. A computer- readable storage medium having embodied thereon a computer program, the computer program including instructions that, when executed, cause a computer to: display, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users;

determine whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access;

conditioned on determining that unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, display within the window

that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access; and

conditioned on determining that no unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access, not display within the window and in association with the identifier corresponding to the first co-user any graphical element related to e-mails or e-mail inbox content.

73. The computer-readable storage medium of claim 72, further comprising instructions that, when executed, cause a computer to no longer display the graphical element within the window upon subsequently determining that the user accessed previously unread e-mail messages such that no unread e-mail messages from the first co-user remain presently available for access.

74. The computer-readable storage medium of claim 72, wherein:

the instructions that cause a computer to determine whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access comprise instructions that cause a computer to determine whether unread e-mail messages sent by the user to the first co-user are available for access by the first co-user; and

the instructions that cause a computer to display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access comprise instructions that cause a computer to, conditioned on determining that unread e-mail messages sent by the user to the first co-user are available for access by the first co-user, display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element configured to inform the user that e-mail messages sent by the user to the first co-user have not been read by the first co-user and remain not read by the first co-user.

75. The computer-readable storage medium of claim 72, wherein:

the instructions that cause a computer to determine whether unread e-mail messages sent by the user to a first co-user or received by the user from the first co-user are available for access comprise instructions that cause a computer to determine whether unread e-mail messages received by the user from the first co-user are available for access by the user; and

the instructions that cause a computer to display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages are available for access comprise instructions that cause a computer, conditioned on determining that unread e-mail messages received by the user from the first co-user are available for access by the user, display within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element configured to inform the user that e-mail messages sent by the first co-user to the user have not been read by the user and remain not read by the user.

76. A method comprising:

displaying, to a user of an instant messaging system, a graphical user interface that enables the user to access an instant messaging service, the graphical user interface comprising a window that includes a contacts list listing identifiers corresponding to multiple co-users of the instant messaging service, the contacts list being configured to make online presence information for the co-users perceivable to the user and to enable the user to initiate communication sessions with the co-users;

receiving an e-mail message addressed to the user from a first co-user, the user having no unread e-mail messages received from the first co-user prior to receipt of the e-mail message; and

in response to the e-mail message, displaying within the window that includes the contacts list and in association with the identifier corresponding to the first co-user a graphical element that indicates to the user that unread e-mail messages received by the user from the first co-user are available for access by the user, wherein no graphical element related to e-mails or e-mail inbox content was displayed in the window in association with the identifier corresponding to the first co-user prior to receipt of the e-mail message.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.